

August 16, 2018

Zoning Board of Appeals

Village of Hastings-on-Hudson, NY

Re: Proposed additions to 450 Warburton Avenue

Dear Board –

My name is Don Erwin-McGuire and along with my wife Barbara, I am submitting this application for two additions that we wish to make to our home located on the south-east corner of William Street and Warburton Avenue.

We purchased the home in 1985 when it was an 800 square foot wood framed structure that was built sometime early in the 20th century, and which was in relatively poor condition. It originally had four small rooms, and the second floor was actually a half a story tall, with no headroom around the entire perimeter.

Over the past 33 years we have landscaped what was originally a barren yard, renovated the entire interior and added a two-story extension on the north side of the existing house. I am a licensed architect and did the design for the work and also constructed it myself. We raised our two daughters, Emily and Avery, here and saw them through the Hastings school district.

Now that we are free of college tuition payments, we have the ability to complete what we have long-planned for – adding a family room/activity room and a second bathroom on the west side of the home, and a mud room at the kitchen entry door.

In siting the new additions, we have taken care to locate them on the flat areas of the lot, which has steep slopes on two sides. We also have kept the bulk of the house close to the original building such that it imposes itself to the minimum on potential views of the Palisades and the Hudson River. Those views are primarily from the vantage points of the sidewalk and roadway of William Street. Our neighbor to the east of us is located significantly above our house, and has clear views over to the top of our home.

I have enclosed photo-montages of the proposed addition, which I hope provide the information you need to assess this work.

Respectively submitted.

Don Erwin-McGuire



VILLAGE OF HASTINGS-ON-HUDSON

Zoning Board of Appeals

Application and Procedure for Application for Variance/Interpretation/View Preservation



Case number: Date of application:

Property owner: DON & BARBARA ERWIN MCGUIRE
 Property address: 450 WARBURTON AVE
 Name all streets on which the property is located: WILLIAM & WARBURTON
 Sheet: 4.70 Block: 54 Lot/Parcel: 4 Zoning District: MR-0

Applicant: DON ERWIN - MCGUIRE
 Standing of applicant if not owner: OWNER
 Address: SAME
 Daytime phone number: 917-903-3146 Fax number: ---
 E-mail address: DERWIN@EBFORENSIC.COM

ZBA action requested for (See §295-146B & C: ☐ Use Variance/s; ☒ Area Variance/s;
☐ Interpretation; ☒ View Preservation (See §295-82)

List code sections & provisions from which the variance or interpretation is requested:

Section*	Code Provision*	Existing Condition*	Proposed Condition*
<u>295-82</u>	<u>VIEW PRESERVATION</u>		

*See example below:

...295-68F.1a...Front Yard Min. 30 ft. deep.....26.5 ft.....19.5 ft.....
...295-68A.....Permitted Principal Use.....Single Family Home.....Conversion to Dental Office.....

VILLAGE OF HASTINGS-ON-HUDSON

Zoning Board of Appeals
Zoning Analysis

ZONING REQUIREMENTS:

YARD SETBACKS
(Principal Structure)

	REQUIRED	EXISTING	PROPOSED
FRONT	10	35	24
REAR	15	37	21
SIDE ONE	8	3 (EXIST)	8 (NEW)
SIDE TWO	8	31.2	28
TOTAL OF TWO SIDES	16	34.2	

YARD SETBACKS
(Accessory Structure)

	REQUIRED	EXISTING	PROPOSED
TO PRINCIPAL BLDG.			
REAR			
SIDE			

BUILDING HEIGHT

	PERMITTED	EXISTING	PROPOSED
STORIES	2 1/2	2	2
FEET	35'	27	27'-6" ±

LOT COVERAGE

	PERMITTED	EXISTING	PROPOSED
LOT AREA	3,500	7,500	7,500
*BLDG. COVERAGE/ % OF LOT AREA	50%	12%	21%
*DEVELOPMENT COVERAGE / % OF LOT AREA		30%	39%

*See Definitions of Building and Development Coverage in Section 295-5 of the Village code.

OCCUPANCY AND USE

	PERMITTED	EXISTING	PROPOSED
CURRENT USE**	SINGLE FAM.	SINGLE FAM.	SINGLE FAM.

** Single Family, Two Family, Commercial, Mixed Use etc.

VILLAGE OF HASTINGS-ON-HUDSON

Zoning Board of Appeals

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- List any previous application or appeal filed with The Zoning Board of Appeals for this premises:

Date of Appeal	Purpose of the Appeal	Resolution if any	Date of Action
	NA		

- List pending violations on this property if any:

NA

- Is there an approved site plan for this property?: ☐ (Yes) ☒ (No)
- Is there an Accessory Apartment at this property?: ☐ (Yes) ☒ (No)
- Does this property have Boarder's Permit?: ☐ (Yes) ☒ (No)
- On a separate typewritten sheet of paper, state the principal points on which you are making this application. Describe the construction, addition or alteration that requires the variance. Explain why a variance is necessary and demonstrate how the variance satisfies the criteria for the type of variance (use or area) sought. The criteria for the two types of variances are attached. (If an interpretation is sought, explain the issue. If you wish you may also state your argument for how the issue should be resolved.)

Submit a flash drive and a total of three (3) copies (residential) or eight (8) copies (commercial), of the application along with the property survey showing the existing and proposed construction and all other supporting documents (plans, drawings, site maps, photographs, etc. as necessary to describe and support your application) with required fee, to the Office of the Building Inspector, no less than four (4) weeks prior to the date of scheduled meeting of the Zoning Board of Appeals.

STATE OF NEW YORK
COUNTY OF WESTCHESTER ss.:

I hereby depose and say that all of the above statements and statements contained in all papers I have submitted in connection with this application are true:

August McLean
Applicant

Sworn to before me this 16 day
of August, 2018

Joseph L. Cerretani
Notary Public

JOSEPH L CERRETANI
NOTARY PUBLIC-STATE OF NEW YORK
No. 01CE6370647
Qualified In Westchester County
My Commission Expires 02-05-2022



CODE OF THE VILLAGE OF HASTINGS ON HUDSON

§ 295-82. View Preservation (VP) Districts

- A. Principal and accessory uses. Subject to the provisions of Subsection C below, the permitted principal and accessory uses for any lot or parcel in a VP District shall be the same as otherwise permitted in the district in which the lot or parcel is located.
- C. Approval by Planning Board and Board of Appeals.
 - (1) No building or structure shall be erected, altered, enlarged or moved in the district unless approved in accordance with the provisions of this section.
 - (2) Every application to permit the erection or exterior alteration of a building or structure in a VP District shall be referred by the Building Inspector to the Planning Board for its report and recommendations as to the best siting, dimensions and configuration of principal and accessory structures so as to cause the least possible obstruction of the view of the Hudson River and the Palisades for neighboring properties and adjacent public property and rights-of-way. The Planning Board shall issue its report and recommendations within 60 days after receipt of the application.
 - (3) After approval by the Planning Board, the plan for erection or exterior alteration of the building or structure shall be referred to the Board of Appeals, which shall conduct a public hearing on the plan. The Board of Appeals shall hold the hearing and render its decision within 60 days after the referral by the Planning Board.
 - (4) Joint notice of both the Planning Board meeting at which the application is to be considered and the Board of Appeals public hearing on the application shall be given at least 14 days before the Planning Board meeting. Notice shall be given as required in § 295-143C. In addition, notice shall be given to the Architectural Review Board and shall be published in a newspaper of general circulation in the Village not less than 10 days before both the Planning Board meeting and the Board of Appeals hearing.

§ 295-146. Variances.

- A. The Board of Appeals, on appeal from the decision or determination of the administrative officer charged with enforcement of this chapter, shall have the power to grant use variances and area variances, as defined herein.
- B. Use variances.
- 1) "Use variance" shall mean the authorization by the Board of Appeals for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning regulations.
 - 2) No use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:
 - a. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 - b. The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
 - c. The requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - d. The alleged hardship has not been self-created.
 - 3) The Board of Appeals, in the granting of a use variance, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- C. Area variances.
- 1) "Area variance" shall mean the authorization by the Board of Appeals for the use of land in a manner that is not allowed by the dimensional or physical requirements of the applicable zoning regulations.
 - 2) In determining whether to grant an area variance, the Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board of Appeals shall also consider:
 - a. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.
 - b. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.
 - c. Whether the requested area variance is substantial.
 - d. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
 - e. Whether the alleged difficulty was self-created, which consideration shall be relevant to the Board of Appeals but shall not necessarily preclude the granting of the area variance.
 - 3) The Board of Appeals, in the granting of an area variance, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- D. Imposition of conditions. The Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this chapter, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

VILLAGE OF HASTINGS-ON-HUDSON

Zoning Board of Appeals

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Variance/Interpretation/View Preservation



Name : DON ERWIN-McGUIRE being duly sworn, deposes and says that
he/she resides at 450 WARBURTON AVE in the Village of Hastings-on-
Hudson in the County of Westchester, in the State of New York, that he/she is the owner of all that certain lot,
parcel of land, in fee, lying and being in the Village of Hastings-on-Hudson aforesaid and known and
designated as Sheet 4.70 Block 54 and Lot 4 of the tax map, and that
he/she hereby authorized SELF to make the annexed
application in his/her behalf and that the statement of fact contained in said application are true.

STATE OF NEW YORK
COUNTY OF WESTCHESTER ss.:

DON ERWIN-McGUIRE
Owner

SWORN TO BEFORE ME THIS 16 DAY
OF August 20 18

State of New York
County of Westchester

Joseph J. Cerretani
Notary Public

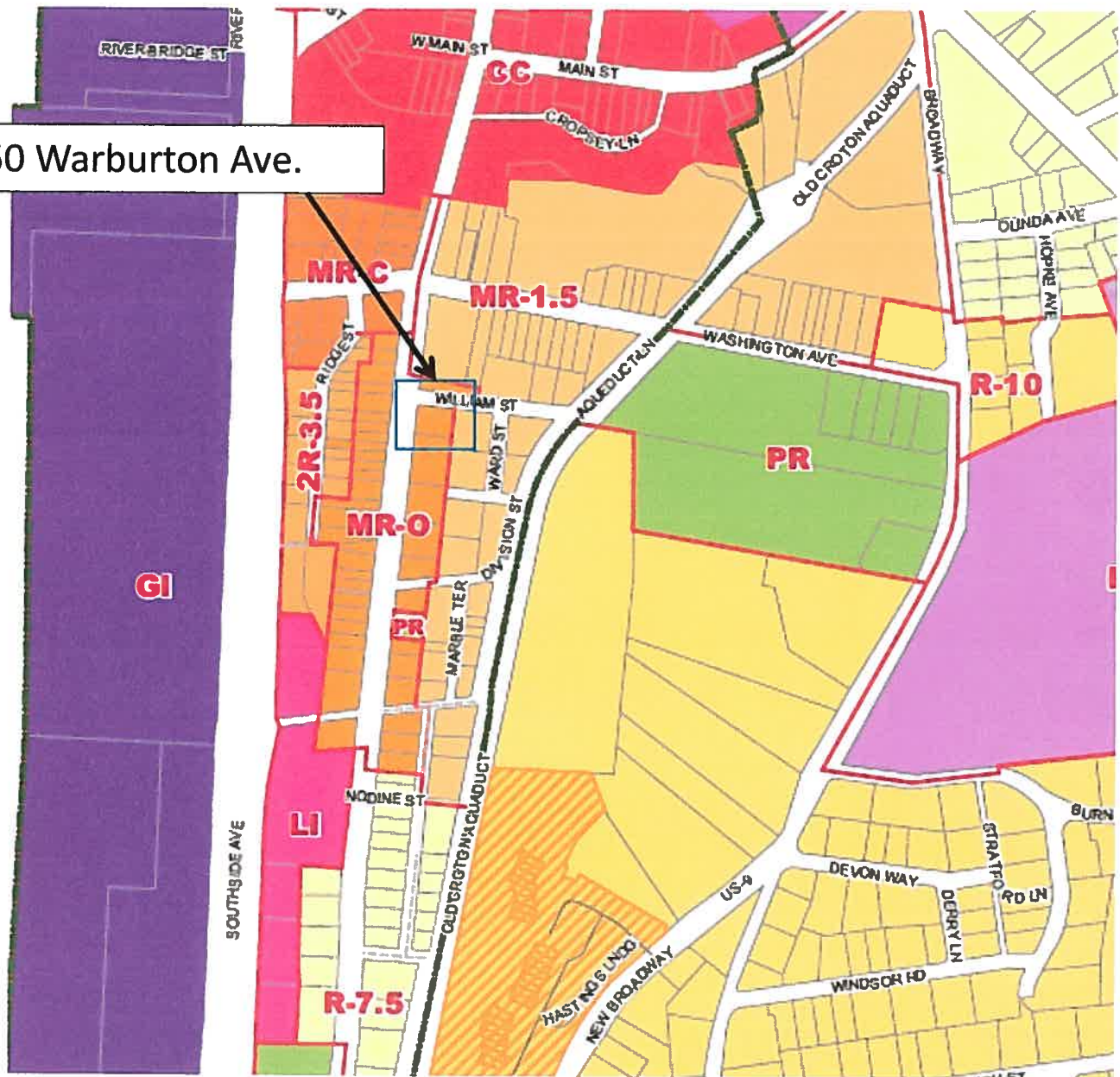
JOSEPH L CERRETANI
NOTARY PUBLIC-STATE OF NEW YORK
No. 01CE6370647
Qualified In Westchester County
My Commission Expires 02-05-2022

NOTICE

This application will not be accepted for filing unless accompanied by all necessary papers, plans and data, in
accordance with the foregoing and as required by law.



450 Warburton Ave.



450 Warburton Avenue View Preservation Submittal





450 Warburton Avenue View Preservation Submittal
Overview



450 Warburton Avenue View Preservation Submittal
Key Plan for Photographs



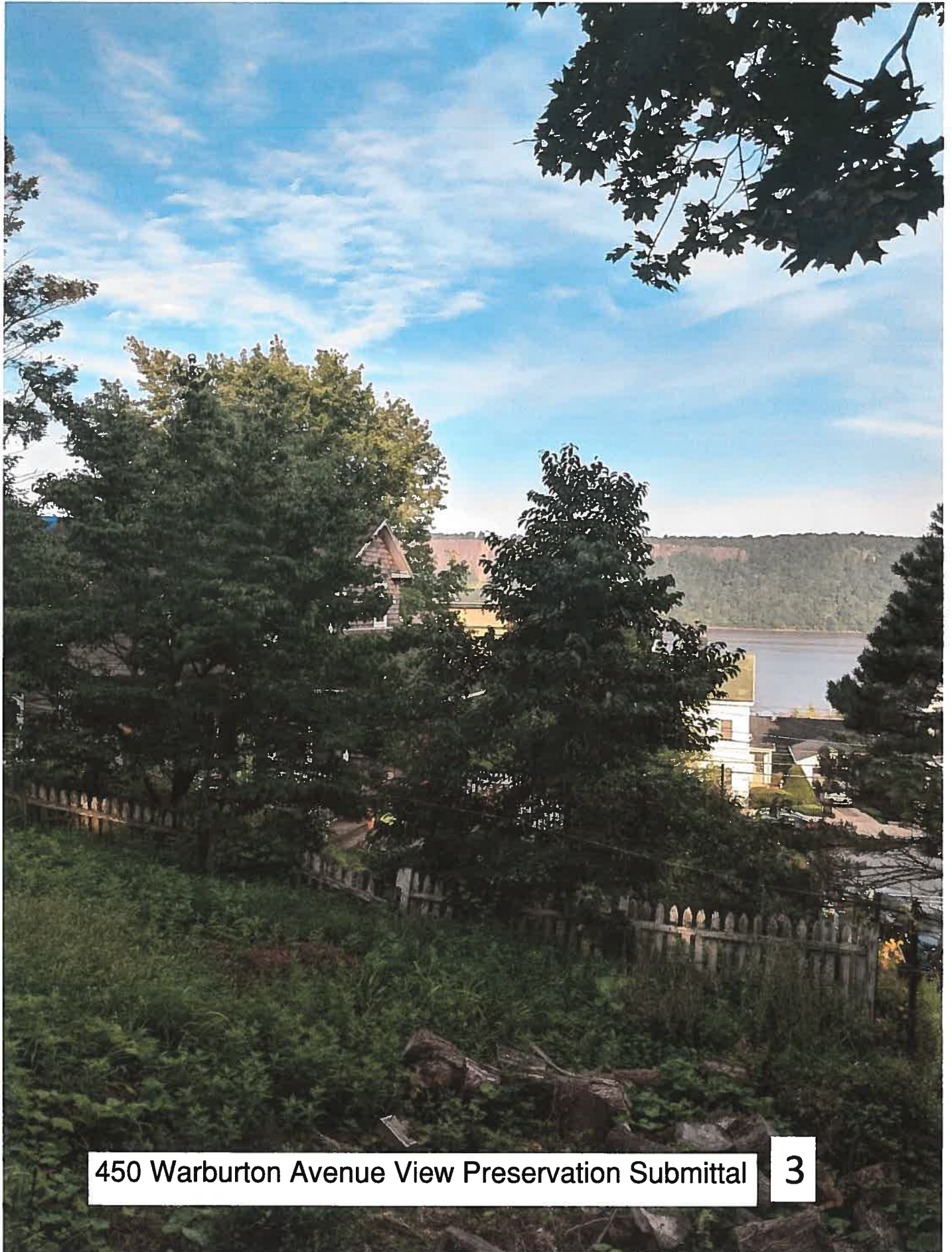




450 Warburton Avenue View Preservation Submittal

2

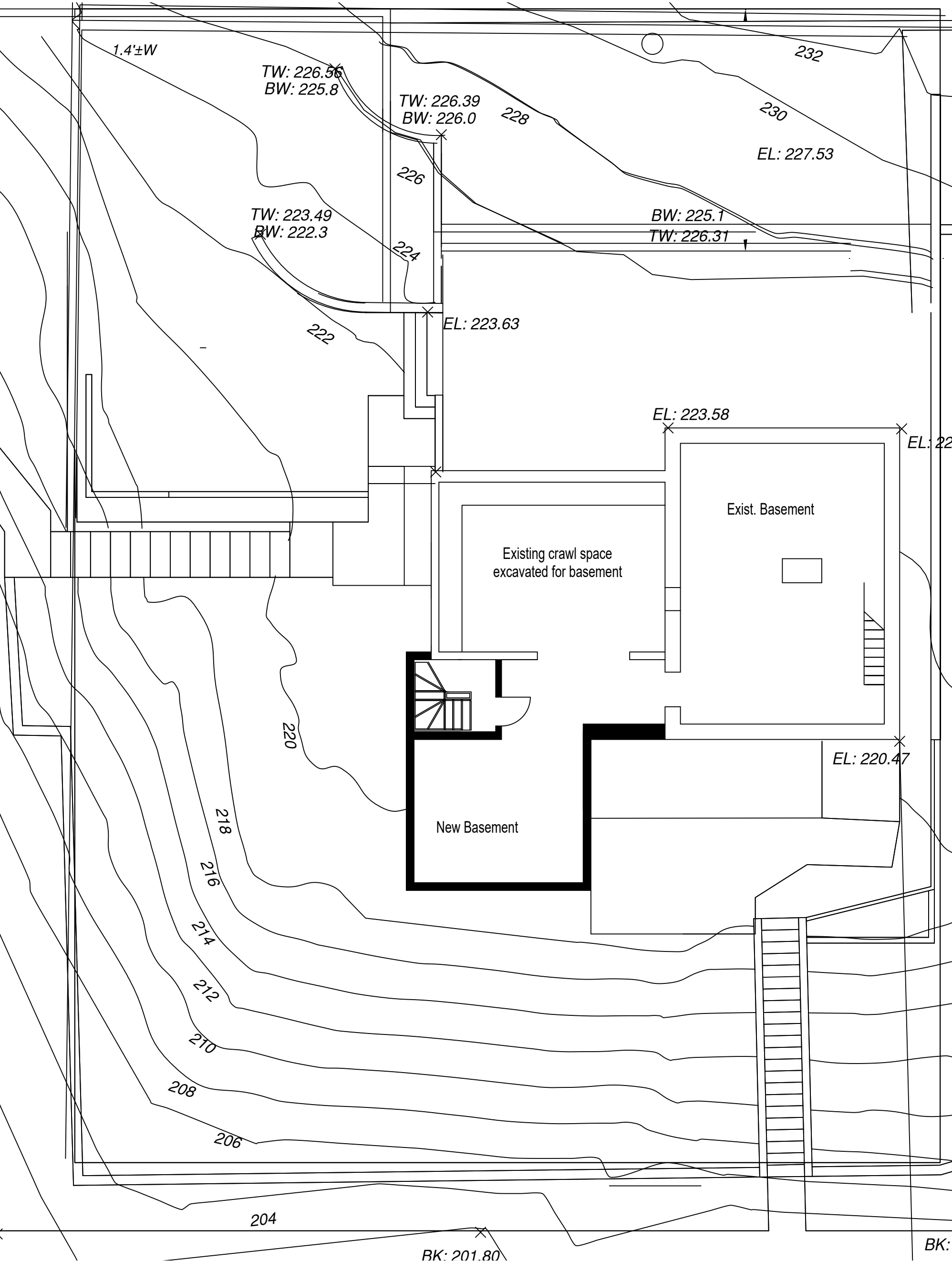




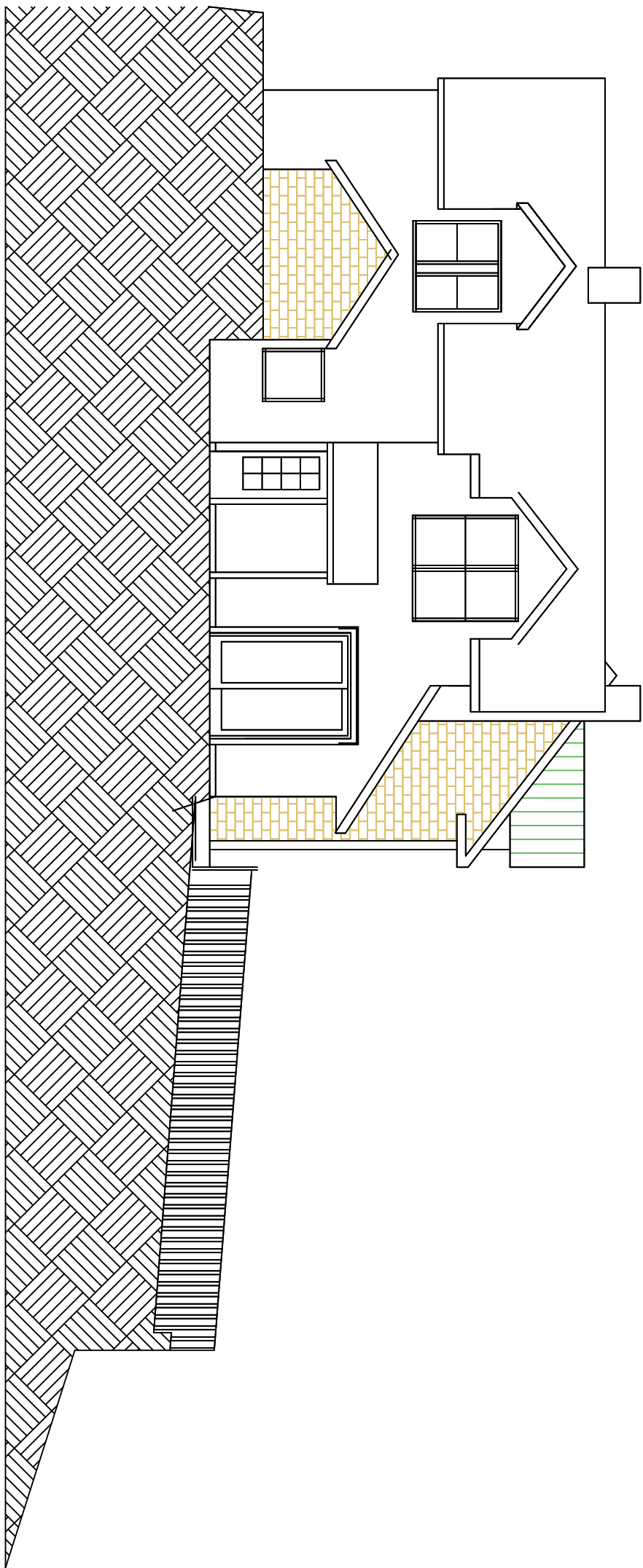
450 Warburton Avenue View Preservation Submittal

3

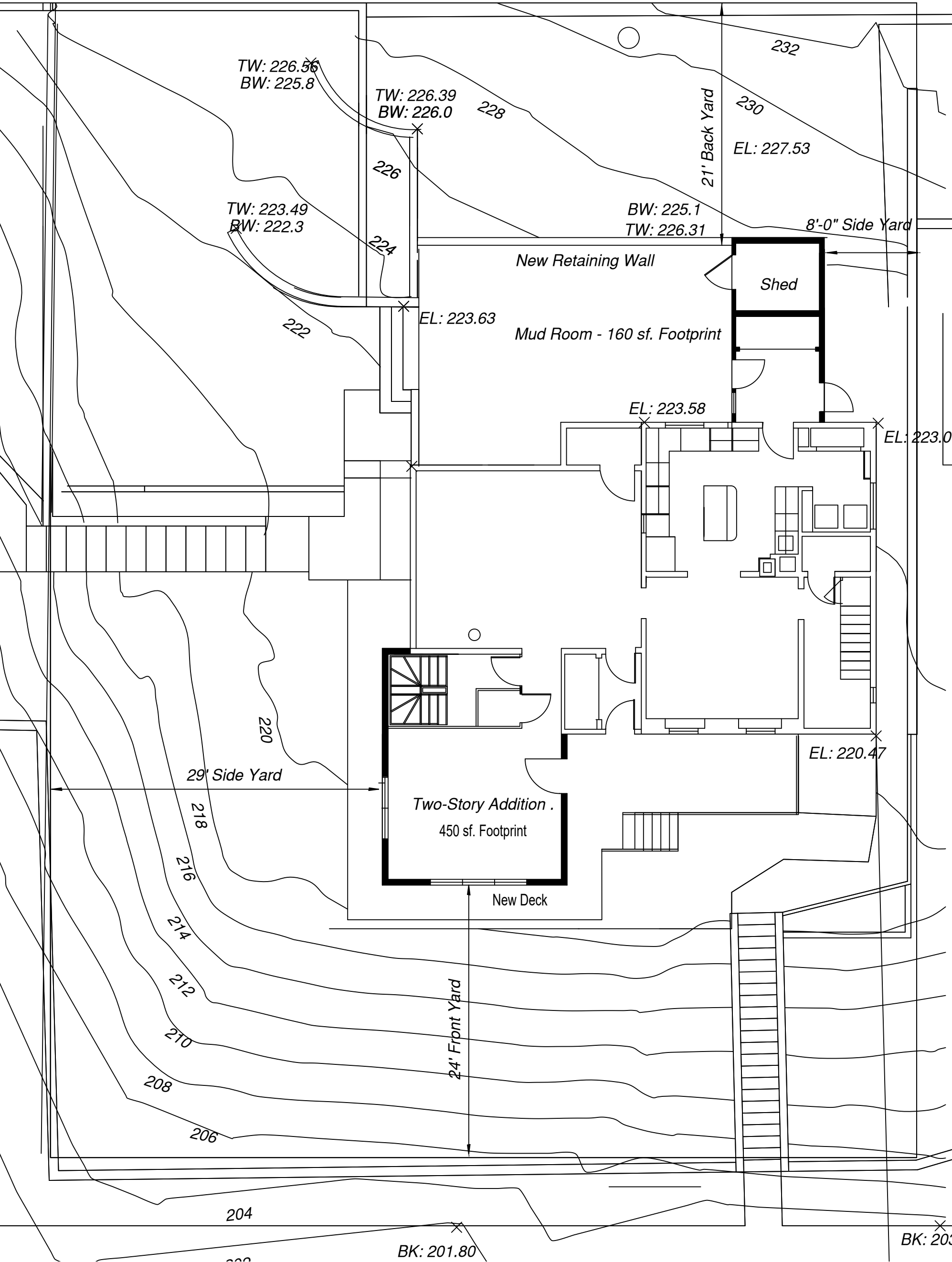




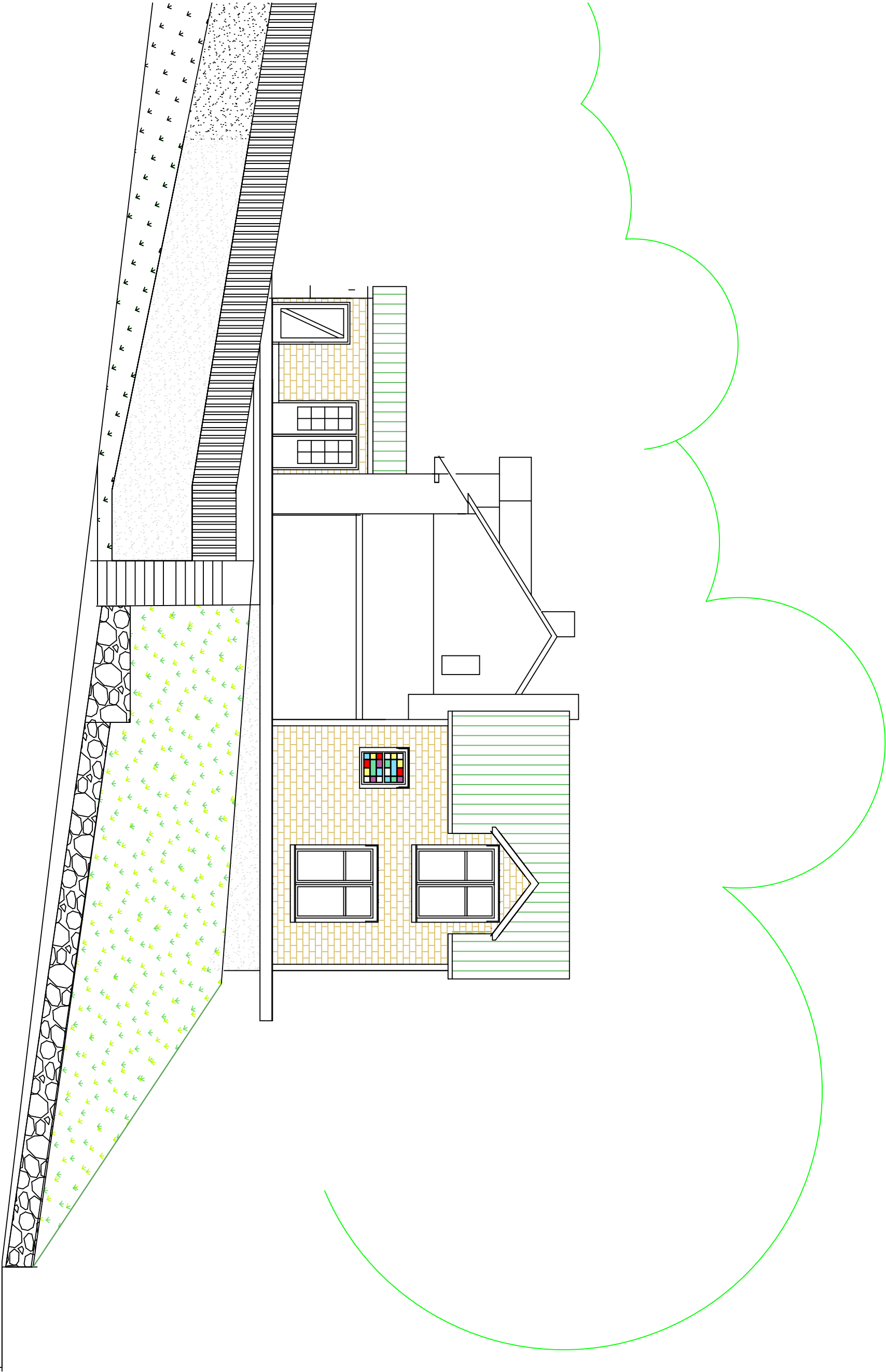
450 Warburton Ave.
Proposed Basement
1/8" = 1'- 0"



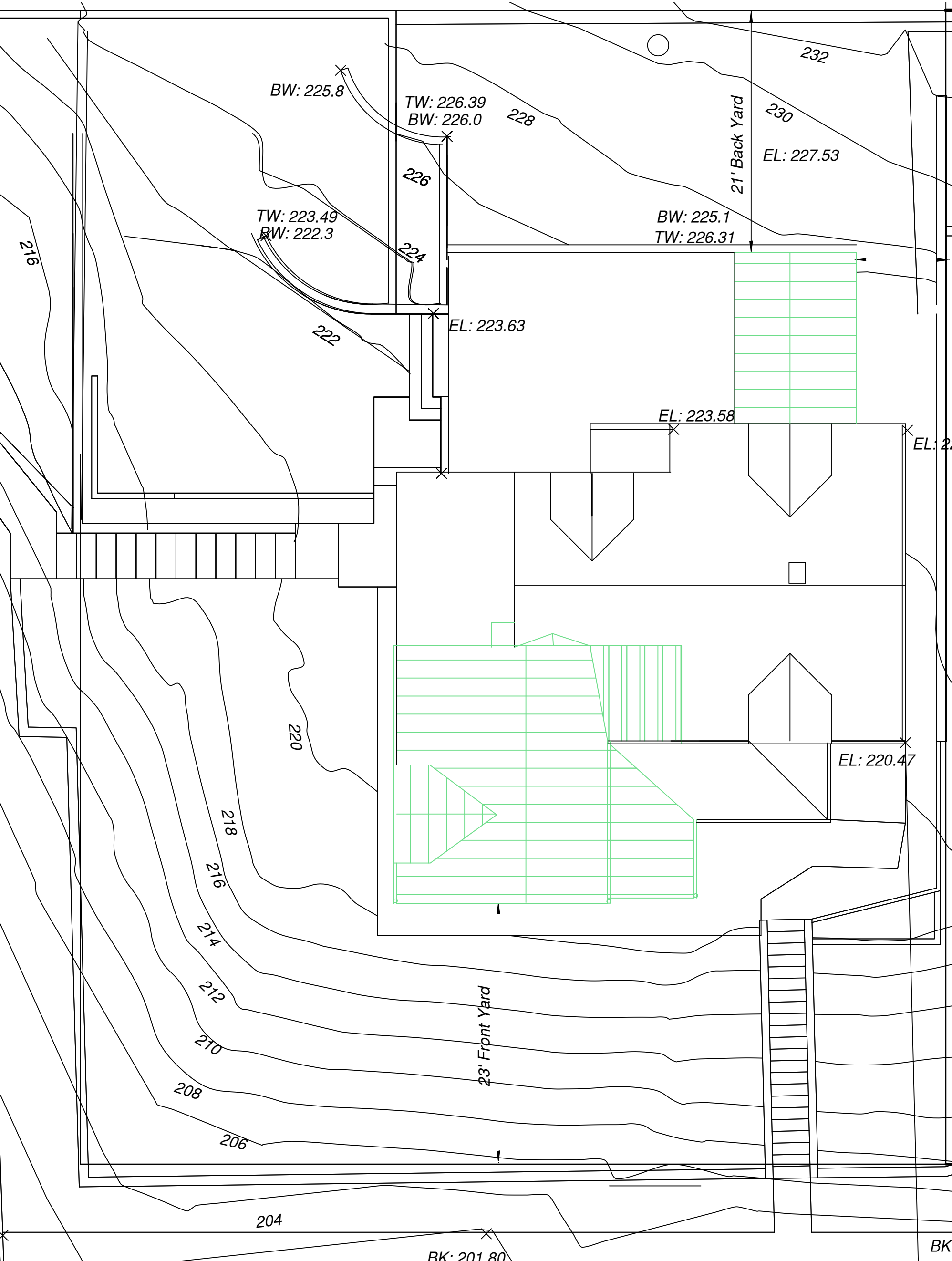
450 Warburton Ave.
East Elevation
1/8" = 1'- 0"



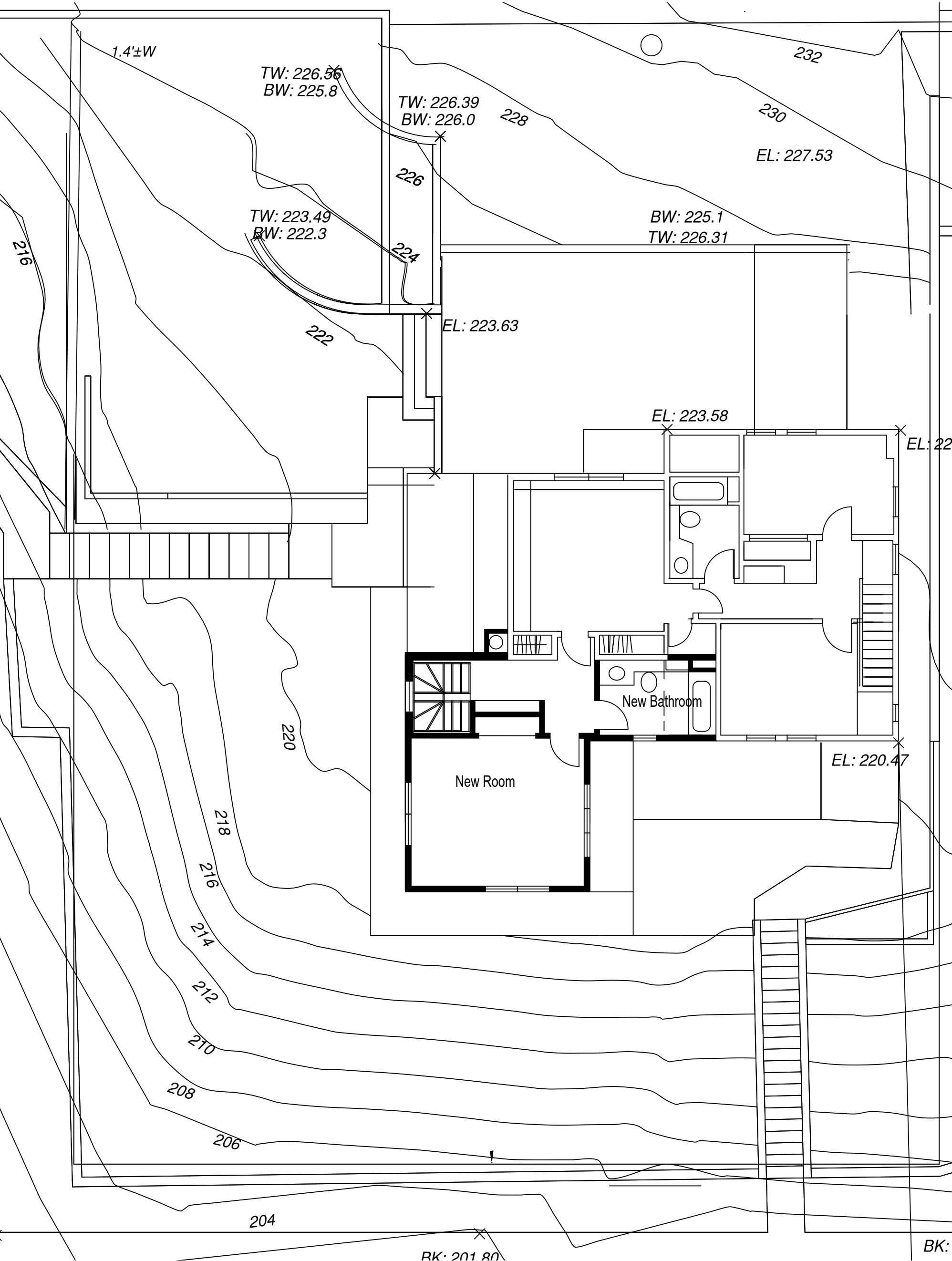
450 Warburton Ave.
Proposed Ground Floor
1/8" = 1'- 0"



450 Warburton Ave.
North Elevation
1/8" = 1'- 0"



450 Warburton Ave.
Proposed Roof Plan
1/8" = 1'- 0"



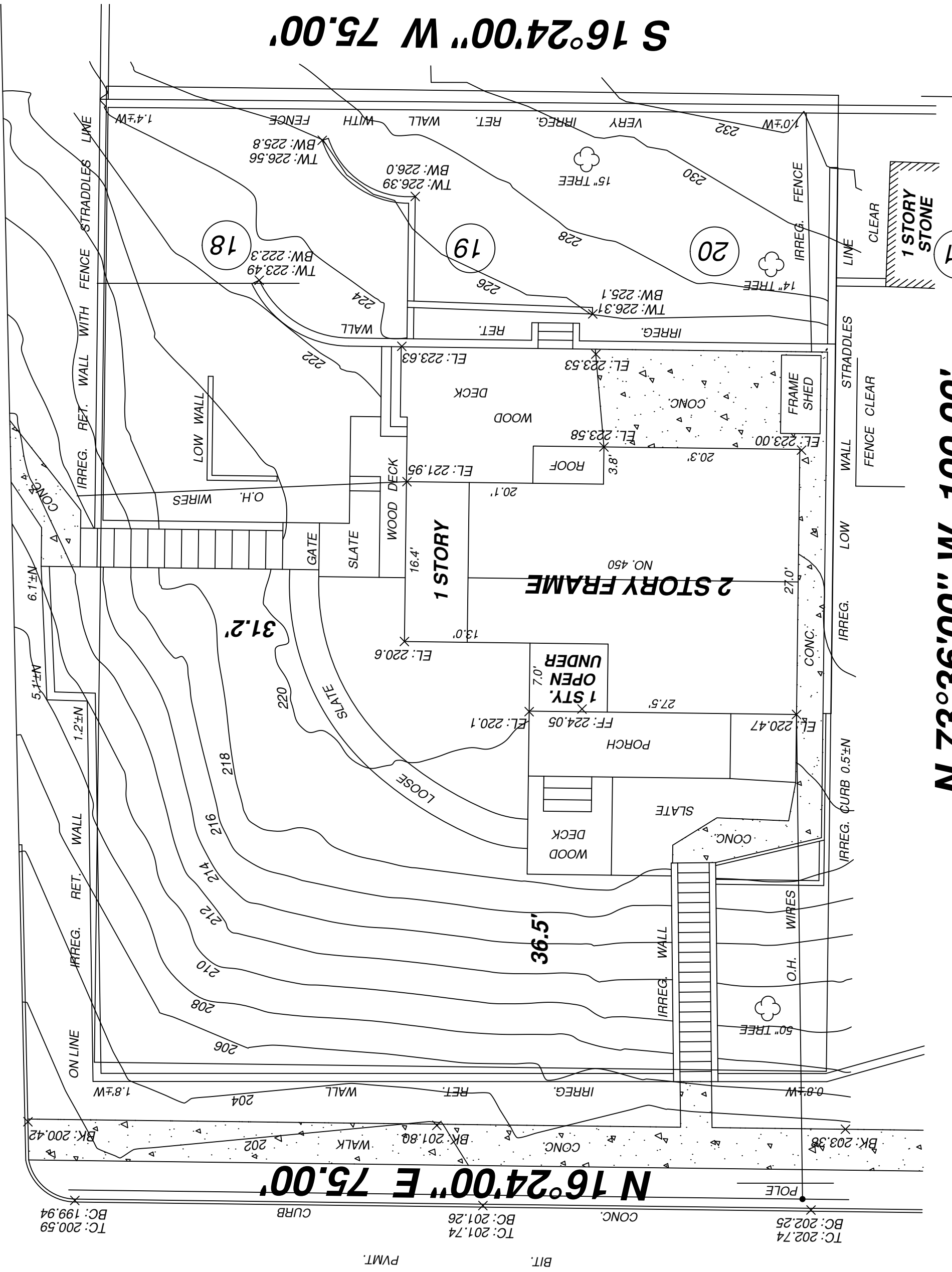
450 Warburton Ave.
Proposed Second Floor
1/8" = 1'- 0"

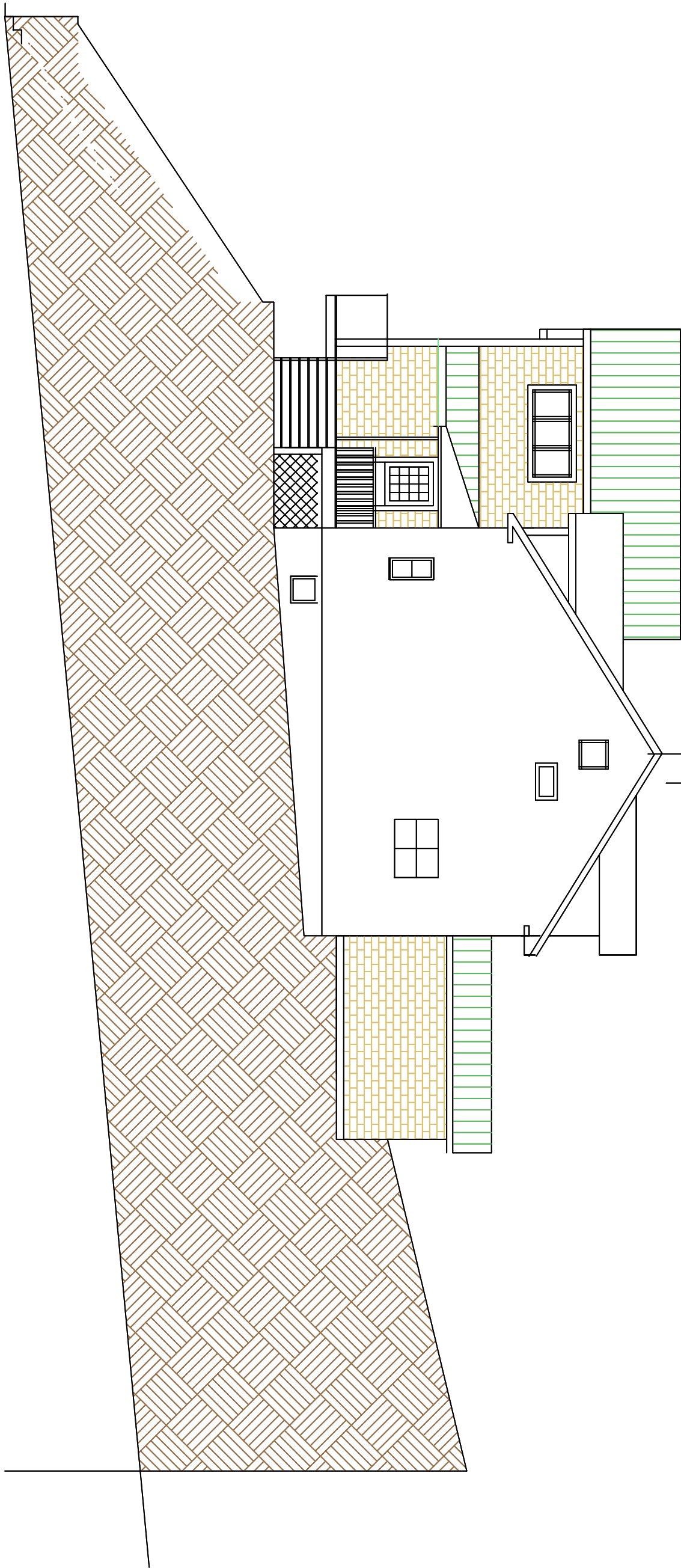
WARBURTON AVENUE

CL: 201.70
X

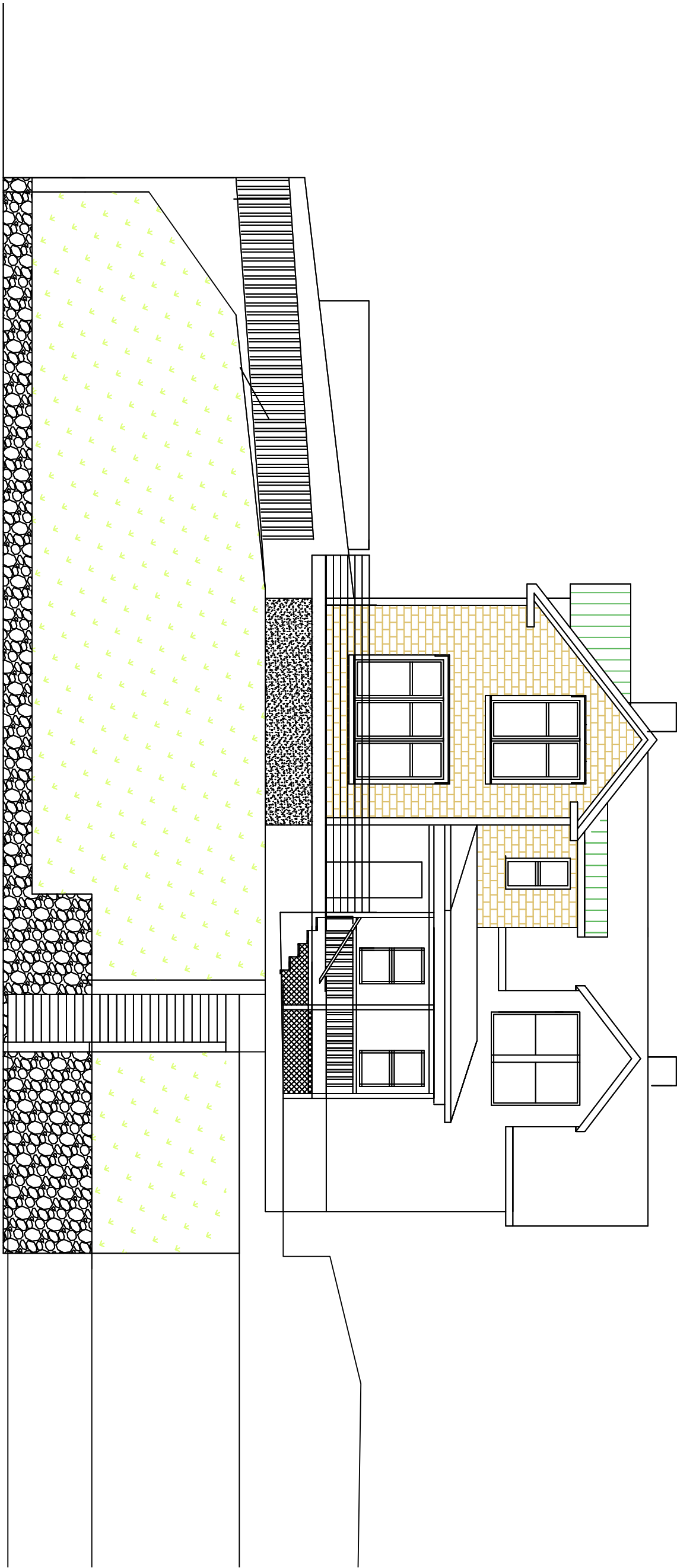
N 16°24'00"E 75.00'

S 16°24'00" W 75.00'





450 Warburton Ave.
South Elevation
1/8" = 1'- 0"



450 Warburton Ave.
West Elevation
1/8" = 1'- 0"